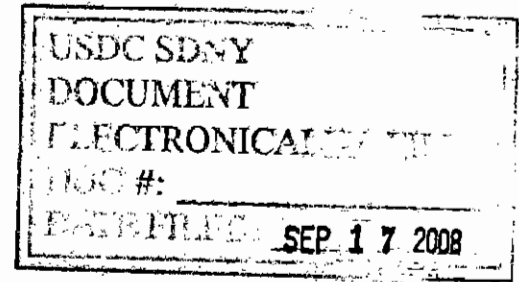


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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ADAM JERNOW and LEAH McLAWRENCE, on
behalf of themselves and all others similarly situated,


Plaintiffs,

vs.

WENDY'S INTERNATIONAL, INC.,

Defendant.

No. 07-CV-3971(LTS)

STIPULATION AND ~~PROPOSED~~ 
ORDER GRANTING
ADDITIONAL 30 DAY STAY
WHILE THE PARTIES DRAFT
SETTLEMENT PAPERS

Plaintiffs Adam Jernow and Leah McLawrence (“Plaintiffs”) and Defendant Wendy’s International, Inc. (“Defendant”) (collectively, the “Parties”), through their respective counsel, mutually stipulate and agree as follows:

1. On July 3, 2008 the Court entered an Order staying the above-captioned matter for forty-five (45) days while the Parties worked on reaching a settlement;

2. On August 14, 2008 the Court entered an Order staying the above-captioned matter for an additional thirty days (30), to and including September 16, 2008.

3. Since the Court entered its first stay order on July 3, the Parties have dutifully worked on negotiating a settlement;

4. Since the Court entered its additional stay order on August 14, the Parties have engaged in additional informal discovery on topics relevant to the settlement of the matters at issue;

5. The informal discovery undertaken by the Parties has been conducted in good faith and as expeditiously as possible, but has taken longer than anticipated;

6. Because of the time required in the production of the additional discovery, the Parties require an additional thirty (30) days to finalize and submit settlement papers; and

7. The Parties believe it to be in the best interest of efficiency and judicial economy for the Parties to focus their efforts on drafting the settlement papers instead of continuing to litigate.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the Parties, that, pursuant to order of the Court, all proceedings in the above-captioned case are stayed for an additional thirty (30) days, to and including October 16, 2008, so that the Parties can draft settlement papers to be filed with the Court. If the contemplated settlement does not occur, the Parties will confer regarding a new schedule for the remainder of the pre-trial proceedings in the case.

Dated: September 15, 2008

by permission
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SO ORDERED:


HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE